

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICAH OVERBY,

Plaintiff,

-v-

WENDELL ERIC FABIAN; TARIQ AKRAM;
STAPLES THE OFFICE SUPERSTORE EAST
INC.; Detective GIANPAOLO DILISIO #36;
Police Officer MONTESANO #42; VILLAGE OF
ELMSFORD; ELMSFORD POLICE
DEPARTMENT; and JOHN and JANE DOE 1
through 10,

Defendants.

Case No. 7:17-cv-03377-CS

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S AMENDED
COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Staples Defendants' Motion to Dismiss The Amended Complaint, dated November 13, 2017, and the Declaration of Christine L. Hogan in Support with the exhibits annexed thereto, Defendants Staples the Office Superstore East, Inc. ("Staples" or the "Company"), Wendell Eric Fabian, and Tariq Akram (collectively, Staples Defendants), by their attorneys, Littler Mendelson, P.C., will move this Court, pursuant to Fed. R. Civ. P. 12(b)(6), before the Honorable Cathy Seibel, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 300 Quarropas Street, White Plains, on a date and time to be determined by the Court, for an order and judgment, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing with prejudice Plaintiff's Amended Complaint, entering judgment for Staples Defendants, and granting Staples Defendants its costs, fees, and disbursements together with such other and further relief as the Court deems just and equitable.

Date: November 13, 2017
New York, New York

/s/ Christine L. Hogan

Craig R. Benson
Christine L. Hogan
Jennifer L. Taiwo
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